

Testimony Prepared by Deanne Lenhart

My name is Deanne Lenhart and I am the Executive Director of Kansas Advocates for Better Care. It is the only independent statewide non-profit organization in Kansas that advocates for quality long-term care for adult care home residents. We were founded in 1975 and have a membership base of more than 500 persons. I thank the Committee for giving me the opportunity to participate in this forum.

I believe that the President's Initiatives alerted the nursing home industry that they are under public scrutiny. One initiative, unannounced inspection surveys at irregular times, provides some assurance to consumers that the government is concerned about the quality of care during evening hours and on weekends. Another initiative, the posting of inspection survey results on the Internet, provides consumers a valuable source of information when seeking a nursing home for placement of a loved one. I trust that additional Internet information on nursing homes will be available soon.

Other initiatives remain of concern to me. Specifically, I continue to be concerned about:

- (A) An improved management information system;
- (B) A national standard for minimum staffing hours of nursing care per resident day;
- (C) The prospect of terminating funding to states that fail to adequately perform survey functions or fail to improve inadequate survey systems.

(A) Concerning the management information system - we (consumers) need (1) information about the extent and nature of complaints against a facility, (2) notification that a facility had requested an informal dispute resolution (abbreviated as IDR), and (3) an improved procedure for handling complaints. Consumers need information about complaints and IDRs because these items provide background insight on the character of a long-term care provider. And, consumers who file complaints with the State Long-term Care Ombudsmen and with the State Departments that staff abuse and neglect hotlines should be provided timely and adequate responses.

The following situation occurred in Kansas. November 4th of 1998, Tom Klammer, of the Kansas City metropolitan area, placed his father in a nursing home. Later that month he called Kansas Advocates to discuss how to proceed with several complaints about the nursing home in which his father had resided. One complaint was that his father missed vital medications because the nursing home allowed prescriptions to run out and failed to notify anyone. Mr. Klammer found this out during a visit to his father. A second complaint was that his father was told his room was to be in the new wing of the home. When his father moved in, they placed him in an old wing and it was explained that the new wing was for private-pay residents; his father was getting ready to apply for Medicaid. There were other complaints, such as the call light that did not work. After complaining to the facility without satisfactory resolution, he moved his father to another home and filed a complaint with the Kansas Department of Health and Environment "abuse and neglect hotline" and with the Kansas Long-Term Care Ombudsman. In March, 1999, the state wrote him that they could not substantiate any of his allegations. Unsatisfactory responses compelled him to call and/or write the Kansas Elder Law Hotline, state legislators and Kansas congressional members. He also used a third party Internet site for investors to post complaints. Early Spring he received a partial refund for his father's 13-day stay. Rather than cash the check he continued to insist that the problem had not been resolved. In May he received a full refund of charges for his father's stay in the nursing home. The attached pages give more details about his ordeal.

It took Mr. Klammer more than six months of unrelenting communications with numerous nursing home corporate VIPs, state government employees, state legislators and Kansas congressional members to obtain some satisfaction concerning his complaint about his father's care. Other consumers in Kansas have called Kansas Advocates with complaints about poor care. We provide them information and contact phone numbers within the system. However, very few people have the energy and tenacity of Mr. Klammer. The burden of relentless communications should not be placed on the family. The procedures for reporting and investigating complaints must be improved.

I have some these small, incremental improvements to suggest:

- (1) Require that within one week of filing, every complainant receive (a) confirmation that their complaint has been received, (b) a case number, and (c) a priority number along with disclosure of a time frame for the investigation.
- (2) Require that every complainant receive written confirmation of a completed investigation, along with pertinent details of the investigation such as dates, persons interviewed, and the findings of the investigation.
- (3) Require that the details of the investigation demonstrate thorough interviews with nursing staff, residents, and family members.

These suggestions may seem insignificant but consumers tell us that some of their dissatisfaction with the system is because of the lack of communication from the "abuse hotline" and from the "ombudsman". Consumers want to be acknowledged and kept informed of progress on their filed complaints.

(B) Concerning nursing staff hours per resident day - We (consumers) need a federally-mandated minimum of staffing ratios that fit the increased acuity of current nursing home residents because there is no consistency across the country. I am pleased that the Committee will soon hold a forum to discuss this issue.

(C) Concerning possible termination of funding to states that fail to adequately perform survey functions - The nursing home initiatives have raised the bar for the expected performance of state survey departments. Survey tasks that include more frequent surveys for poor performing homes and thorough inspections for complaints of abuse and neglect require a reasonable increase in funding. We (consumers) hope that the federal government will demonstrate its willingness to support this needed additional oversight by increasing funds for state survey departments.

Again, thank you for this opportunity to participate in the forum. I want to leave you with this statement. We have a complex but workable system for provision of long-term care. Many of those involved within this system HCFA, nursing homes, state survey departments, consumer advocate groups, residents - sincerely want good quality care for our country's frail adults. I believe that a better quality of long-term care can result from making these improvements.